

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 23, 2004

H025498 PEOPLE v. MCGHEE

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Walsh, J.*; concurring and
dissenting opinion by: Rushing, P.J.)
Filed August 23, 2004
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H025981 PEOPLE v. BROWN

H026927 In re BROWN on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas
corpus is denied. (not published)
(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J.;
Dissenting and concurring opinion by McAdams, J.)
Filed August 23, 2004

TUESDAY, AUGUST 24, 2004

H026897 PEOPLE v. FLEMING

The abstract of judgment is ordered corrected to state that
the crime for which defendant was convicted is false
imprisonment. As so corrected, the judgment is affirmed. (not
published)
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams,
J.)
Filed August 24, 2004

H026134 PEOPLE v. OLVERA

The order appealed from is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed August 24, 2004

H026619 MAUNDU v. eBAY, INC.

The trial court properly concluded that Maundu could not
establish one or more of the requisite elements of a claim for
racial discrimination. Therefore, summary judgment in favor of
eBay was proper, and the judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed August 24, 2004

Sixth Appellate District

San Jose, California

Tuesday, August 24, 2004 (continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and J. Michel Casique, Deputy Clerk.

H025802 PEOPLE v. CANO

Cause called and argued by Hilda Scheib appearing for Appellant and by Allen R. Crown, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025857 PEOPLE v. SLATER

Cause called and argued by Christine Jean Levin appearing for Appellant and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026332 PEOPLE v. DANIEL M.

Cause called and argued by James W. Duffy appearing for Appellant and by Nancy H. Tung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026539 JOVICH v. GREEN HILLS SOFTWARE, INC.

Cause called and argued by Diane M. Matsinger appearing for Appellant and by John McBride appearing for Respondent. Cause ordered submitted.

H026443 ARCHITECTURAL HERITAGE ASSOCIATION, et al. v. COUNTY OF MONTEREY, et al.

Cause called and argued by Susan Brandt-Hawley appearing for Appellants and by Efren N. Iglesia, Deputy County Counsel, appearing for Respondents. Cause ordered submitted. Court is adjourned.

H025733 PEOPLE v. CORREA

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 24, 2004

Sixth Appellate District

San Jose, California

WEDNESDAY, AUGUST 25, 2004

H026622 MORGAN, as Administrator, etc. v. WELLS

The order granting Morgan's petition is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 25, 2004

H026369 BELLIS v. COUNTY OF SANTA CRUZ

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 25, 2004

H026901 PEOPLE v. ORTIZ

The order denying defendant's motion is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 25, 2004

H026089 FIERRO v. GABILAN MANUFACTURING

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 25, 2004

H026437 PEOPLE v. PARKER

The judgment is hereby modified to reduce the restitution fund fine from \$2600 to \$200 and to reduce the suspended parole revocation fine to the same amount. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a certified copy of the amended abstract to the Department of Corrections. The modified judgment is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 25, 2004

H026672 PEOPLE v. SIMMONS

The order committing defendant for continued treatment is reversed for further proceedings as described in the preceding section. (not published)

(Walsh, J.*; We concur: Rushing, P.J., Premo, J.)

Filed August 25, 2004

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Sixth Appellate District

San Jose, California

THURSDAY, AUGUST 26, 2004

H026274 PEOPLE v. WALKER

By the Court*:

Appellant's petition for rehearing is denied.

Filed: August 26, 2004

*Before Rushing, P.J., Premo, J. and Mihara, J.

H025678 PEOPLE v. LAMMERS

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated August 17, 2004, is hereby vacated for the purposes of supplemental briefing pursuant to *Blakely v. Washington* (No. 02-1632. June 24, 2004) 542 U.S. ____; 124 S. Ct. 2531; 159 L.Ed.2d 403; 2004 WL 1402697; 2004 DJDAR 7581. The cause will be resubmitted upon completion of supplemental briefing.

Dated: August 26, 2004

Rushing, P.J.

H025224 PEOPLE v. CUEN

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 26, 2004

H026519 PEOPLE v. JACKS

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 26, 2004

H026562 ASHCRAFT, as Trustee, etc. v. PITTENGER

(Filed order modifying opinion.) The appellant's petition for rehearing is denied. This modification changes the judgment. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 26, 2004

H026382 SETTLE v. DEPARTMENT OF MOTOR VEHICLES

(Filed order modifying opinion.) There is no change in the judgment. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 26, 2004

Sixth Appellate District

San Jose, California

Thursday, August 26, 2004 (continued)

H027514 CHARLES C. v. SUPERIOR COURT OF SANTA CLARA COUNTY; DFCS

The petition for extraordinary writ is denied. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.*)

Filed August 26, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.)

FRIDAY, AUGUST 27, 2004

H026563 PEOPLE v. GUILLEN

The judgment is affirmed. (not published)

(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., McAdams, J.)

Filed August 27, 2004

H026305 PEOPLE v. HOBBS

H026884 PEOPLE v. HOBBS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Mihara, J.)

Filed August 27, 2004